

MONTANA LEGISLATIVE HISTORY

Chapter 234 19 97

Bill H _____ S 180

Original bill & history / c

H. Committee on State Admin

S. Committee on Local Government

Hearing Date(s) 3/4 / c

Hearing Date(s) 1/30 / c

3/5 / c

_____ c

_____ c

_____ c

Date Out _____ c

Did this bill originate in an interim committee? _____ Yes / No

Committee _____

Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendant information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

	OR FAMILY MEMBER ASSAULT OR CERTAIN OTHER OFFENSES OF THEIR RIGHT TO DELETION OF THEIR ADDRESS FROM THE LISTS; AND AMENDING SECTIONS 13-2-115, 13-2-122, AND 46-6-602, MCA.	1056
234	(<i>Senate Bill No. 180; Doherty</i>) AN ACT CLARIFYING THE APPLICABILITY OF MAIL BALLOT ELECTIONS TO CERTAIN ELECTIONS; CLARIFYING THE AVAILABILITY OF SPECIAL ELECTIONS FOR CERTAIN WATER AND SEWER PROJECTS; AMENDING SECTIONS 7-7-2223, 7-7-2227, 7-7-2229, 7-7-2237, 7-7-4226, 7-7-4227, 7-7-4235, 7-7-4426, 7-7-4427, 7-13-2208, 7-13-2231, 7-13-2323, 7-13-2341, 85-9-206, AND 85-9-623, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.	1059
235	(<i>Senate Bill No. 182; Hertel</i>) AN ACT GENERALLY REVISING AND CLARIFYING LAWS RELATING TO RAILROADS; DELETING AND ELIMINATING ARCHAIC REQUIREMENTS FOR RAILROADS; AMENDING SECTIONS 69-14-111, 69-14-112, 69-14-114, 69-14-115, 69-14-116, 69-14-120, 69-14-133, 69-14-232, 69-14-401, 69-14-604, 69-14-708, 69-14-713, 69-14-801, 69-14-921, 69-14-922, AND 69-14-1004, MCA; AND REPEALING SECTIONS 69-14-119, 69-14-301, 69-14-302, 69-14-303, 69-14-304, 69-14-305, 69-14-306, 69-14-307, 69-14-308, 69-14-309, 69-14-310, 69-14-311, 69-14-312, AND 69-14-712, MCA.	1066
236	(<i>Senate Bill No. 188; Mohl</i>) AN ACT ALLOWING CERTAIN EMPLOYEES OF THE DEPARTMENT OF TRANSPORTATION TO SEIZE FUEL THAT IS BEING IMPROPERLY IMPORTED INTO THE STATE; DEFINING "CONVEYANCE", "IMPROPERLY IMPORTED FUEL", AND "PEACE OFFICER"; DIRECTING THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH RULES GOVERNING A BIDDING PROCESS AMONG LICENSED MONTANA FUEL DISTRIBUTORS FOR THE PURCHASE OF SEIZED FUEL; PROVIDING FOR A HEARING TO DETERMINE THE RECIPIENT OF SEIZED FUEL; AMENDING SECTIONS 15-70-104, 15-70-201, 15-70-202, 15-70-301, AND 15-70-341, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.	1073
237	(<i>Senate Bill No. 239; Beck</i>) AN ACT DEFINING "BANK RECORDS" AND "ELECTRONIC STORAGE"; REQUIRING THAT CERTAIN ELECTRONICALLY STORED INFORMATION BE TREATED AS AN ORIGINAL RECORD; AND AMENDING SECTION 32-1-492, MCA.	1082
238	(<i>Senate Bill No. 244; Toews</i>) AN ACT ALLOWING THE TRANSFER OF A BUS DEPRECIATION RESERVE FUND BALANCE ONLY WHEN A SCHOOL DISTRICT SELLS ALL OF ITS BUSES; AND AMENDING SECTION 20-10-147, MCA.	1083
239	(<i>Senate Bill No. 257; DePratu</i>) AN ACT GENERALLY REVISING THE DISPOSITION OF GASOLINE TAXES AND FEDERAL HIGHWAY FUNDS; CORRECTLY IDENTIFYING THE LOCAL TECHNICAL ASSISTANCE TRANSPORTATION PROGRAM; CORRECTLY IDENTIFYING ROUTE DESIGNATION IN ACCORDANCE WITH FEDERAL LAW; ALLOWING THE DISBURSEMENT OF GASOLINE TAXES TO CONSOLIDATED CITY-COUNTY GOVERNMENTS; MODIFYING FUNDING ALLOCATION FORMULAS TO REFLECT THE MOST RECENT CENSUS DATA; REVISING THE DEFINITION OF "RURAL POPULATION" AND "RURAL ROAD MILEAGE"; AMENDING SECTIONS 15-70-101 AND 60-3-206, MCA; AND PROVIDING AN EFFECTIVE DATE.	1084
240	(<i>Senate Bill No. 265; Thomas</i>) AN ACT REVISING THE LAWS RELATING TO CONSTRUCTION STANDARDS FOR RECREATIONAL VEHICLES; ELIMINATING THE	

2/10	3RD READING PASSED	40	10
	TRANSMITTED TO HOUSE		
2/11	FIRST READING		
2/11	REFERRED TO TAXATION		
3/11	HEARING		
3/19	HEARING		
3/19	TABLED IN COMMITTEE		
	DIED IN COMMITTEE		

SB 178 INTRODUCED BY DOHERTY, ET AL.

LC0274 DRAFTER: LANE

REVISE THE OFFENSE OF CRIMINAL SYNDICALISM

1/15	INTRODUCED		
1/15	FIRST READING		
1/15	REFERRED TO JUDICIARY		
1/28	HEARING		
1/30	COMMITTEE REPORT—BILL PASSED		
2/01	2ND READING PASSED	45	0
2/03	3RD READING PASSED	38	12
	TRANSMITTED TO HOUSE		
2/04	FIRST READING		
2/04	REFERRED TO JUDICIARY		
3/12	HEARING		
3/27	TABLED IN COMMITTEE		
	DIED IN COMMITTEE		

SB 179 INTRODUCED BY DOHERTY, ET AL.

LC0059 DRAFTER: MITCHELL

PROVIDE FOR THE USE OF MAIL BALLOTS FOR THE PURPOSE OF
INCURRING BONDED INDEBTEDNESS FOR WATER AND SEWER
DISTRICTS

1/15	INTRODUCED		
1/15	FIRST READING		
1/15	REFERRED TO LOCAL GOVERNMENT		
1/30	HEARING		
1/30	TABLED IN COMMITTEE		
3/03	MISSED DEADLINE FOR 45TH DAY TRANSMITTAL		
	DIED IN COMMITTEE		

SB 180 INTRODUCED BY DOHERTY, ET AL.

LC0394 DRAFTER: PETESCH

CLARIFY THE APPLICABILITY OF MAIL BALLOT ELECTIONS TO CERTAIN
ELECTIONS

1/15	INTRODUCED		
1/15	FIRST READING		
1/15	REFERRED TO LOCAL GOVERNMENT		
1/30	HEARING		
1/31	COMMITTEE REPORT—BILL PASSED		
2/06	2ND READING PASSED	48	1
2/07	3RD READING PASSED	46	3
	TRANSMITTED TO HOUSE		
2/08	FIRST READING		
2/08	REFERRED TO STATE ADMINISTRATION		
3/04	HEARING		
3/06	COMMITTEE REPORT—BILL CONCURRED		
4/03	2ND READING CONCURRED	88	10
4/04	3RD READING CONCURRED	87	12

RETURNED TO SENATE
 4/08 SIGNED BY PRESIDENT
 4/08 SIGNED BY SPEAKER
 4/09 TRANSMITTED TO GOVERNOR
 4/11 SIGNED BY GOVERNOR
 CHAPTER NUMBER 234
 EFFECTIVE DATE: 04/11/97

SB 181 INTRODUCED BY HARGROVE *LC1050 DRAFTER: BOHYER*

CLARIFY CERTAIN PROVISIONS RELATING TO RESORT RETAIL
ALL-BEVERAGES LICENSES

1/15	INTRODUCED		
1/15	FIRST READING		
1/15	REFERRED TO BUSINESS & INDUSTRY		
1/29	HEARING		
2/12	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/15	2ND READING PASSED	50	0
2/17	3RD READING PASSED	49	1
	TRANSMITTED TO HOUSE		
2/21	FIRST READING		
2/21	REFERRED TO BUSINESS & LABOR		
3/20	HEARING		
3/25	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/03	2ND READING CONCURRED AS AMENDED	56	42
4/05	3RD READING CONCURRED	62	38
	RETURNED TO SENATE WITH AMENDMENTS		
4/09	2ND READING AMENDMENTS CONCURRED	50	0
4/10	3RD READING CONCURRED AS AMENDED	49	1
4/15	SIGNED BY PRESIDENT		
4/16	SIGNED BY SPEAKER		
4/16	TRANSMITTED TO GOVERNOR		
4/23	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 371		
	EFFECTIVE DATE: 07/01/97		

SB 182 INTRODUCED BY HERTEL, ET AL. *LC0876 DRAFTER: PETESCH*

REVISE AND CLARIFY LAWS RELATING TO RAILROADS

1/15	INTRODUCED		
1/15	FIRST READING		
1/15	REFERRED TO HIGHWAYS & TRANSPORTATION		
1/23	HEARING		
1/30	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/05	2ND READING PASSED	49	1
2/06	3RD READING PASSED	49	0
	TRANSMITTED TO HOUSE		
2/07	FIRST READING		
2/07	REFERRED TO TRANSPORTATION		
3/10	HEARING		
3/12	COMMITTEE REPORT—BILL CONCURRED		
4/03	2ND READING CONCURRED	98	0
4/04	3RD READING CONCURRED	99	0
	RETURNED TO SENATE		
4/08	SIGNED BY PRESIDENT		
4/08	SIGNED BY SPEAKER		
4/09	TRANSMITTED TO GOVERNOR		

SB BILL NO. 180

INTRODUCED BY

Dorey P. Pappalardo

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE APPLICABILITY OF MAIL BALLOT ELECTIONS TO CERTAIN ELECTIONS; CLARIFYING THE AVAILABILITY OF SPECIAL ELECTIONS FOR CERTAIN WATER AND SEWER PROJECTS; AMENDING SECTIONS 7-7-2223, 7-7-2227, 7-7-2229, 7-7-2237, 7-7-4226, 7-7-4227, 7-7-4235, 7-7-4426, 7-7-4427, 7-13-2208, 7-13-2231, 7-13-2323, 7-13-2341, 85-9-206, AND 85-9-623, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-7-2223, MCA, is amended to read:

"7-7-2223. Election required for issuance of certain bonds. (1) County bonds for any purpose other than those enumerated in 7-7-2221 and 7-7-2311 may not be issued unless authorized at a special election that is conducted by mail ballot, as provided in Title 13, chapter 19, at a special election held in conjunction with a regular or primary election, or at a general election at which the question of issuing the bonds is submitted to the registered electors of the county and approved as provided in 7-7-2237.

(2) A bond election may not be called unless the board of county commissioners:

(a) initiates and unanimously adopts a resolution in accordance with the provisions of 7-7-2227(2);
or

(b) receives a petition, delivered and certified by the election administrator, asking that the election be held and the question be submitted. The petition must be signed by at least 20% of the registered electors of the county."

Section 2. Section 7-7-2227, MCA, is amended to read:

"7-7-2227. Examination of petition -- resolution calling for election. (1) Upon delivery of the certified petition, the board shall carefully examine the petition and make any other investigation that it may consider necessary. If it is found that the petition is in proper form, bears the requisite number of signers of qualified petitioners, and is in all other respects sufficient, the board shall pass and adopt a resolution that contains the provisions of subsection (2) plus the essential facts in regard to the petition and its filing

1 and presentation.

2 (2) The resolution must:

3 (a) recite the purpose or purposes for which the bonds are proposed to be issued;

4 (b) fix the exact amount of bonds proposed to be issued for each purpose, which amount may be
5 less than but must not exceed the amount set forth in the petition;

6 (c) determine the number of years through which the bonds are to be paid, not exceeding the
7 limitations fixed in 7-7-2206; and

8 (d) make provision for having the question submitted to the registered electors of the county at
9 the next general election or at a special election that is conducted by mail ballot, as provided in Title 13
10 chapter 19, or that is held in conjunction with a regular or primary election and that the board may call for
11 that purpose.

12 (3) Whenever a board of county commissioners initiates a resolution in accordance with the
13 provisions of 7-7-2223, the resolution must contain the provisions of subsection (2)."

14
15 **Section 3.** Section 7-7-2229, MCA, is amended to read:

16 **"7-7-2229. Notice of election.** (1) Whether the election is held at the general election, ~~or at a~~
17 election that is conducted by mail ballot, as provided in Title 13, chapter 19, or at a special election that
18 is held in conjunction with a regular or primary election, separate notice of the election must be given.

19 (2) (a) The notice must state:

20 (i) the date when the election will be held;

21 (ii) the amount of bonds proposed to be issued;

22 (iii) the purpose of the issue;

23 (iv) the term of years through which the bonds are to be paid; and

24 (v) other information regarding the holding of the election and the bonds proposed to be issued that
25 the board may consider proper.

26 (b) If bonds are to be issued for two or more purposes, each purpose and the amount for each
27 purpose must be separately stated.

28 (3) The notice must be published as provided in 13-1-108."

29
30 **Section 4.** Section 7-7-2237, MCA, is amended to read:

1 **"7-7-2237. Percentage of electors required to authorize bond issue.** Whenever the question of
2 issuing county bonds for any purpose is submitted to the registered electors of a county at ~~either~~ a general
3 election, at an election that is conducted by mail ballot, as provided in Title 13, chapter 19, or at a special
4 election that is held in conjunction with a regular or primary election, the determination of the approval or
5 rejection of the bond proposition is made in the following manner:

- 6 (1) determine the total number of electors who were qualified to vote in the bond election;
- 7 (2) determine the total number of qualified electors who voted in the bond election from the tally
8 sheet or sheets for the election;
- 9 (3) calculate the percentage of qualified electors voting at the bond election by dividing the number
10 determined in subsection (2) by the number determined in subsection (1); and
- 11 (4) when the calculated percentage in subsection (3) is 40% or more, the bond proposition is
12 considered approved and adopted if a majority of the votes cast were in favor of the proposition, otherwise
13 it is considered rejected; or
- 14 (5) when the calculated percentage in subsection (3) is more than 30% but less than 40%, the
15 bond proposition is considered approved and adopted if 60% or more of the votes cast were in favor of
16 the proposition, otherwise it is considered rejected; or
- 17 (6) when the calculated percentage in subsection (3) is 30% or less, the bond proposition is
18 considered rejected."

19
20 **Section 5.** Section 7-7-4226, MCA, is amended to read:

21 **"7-7-4226. Resolution to submit question of issuing bonds to voters.** (1) When the governing body
22 of any municipality considers it necessary to issue bonds pledging the general credit of the municipality
23 pursuant to a statute of this state, the governing body shall pass and adopt a resolution.

- 24 (2) The resolution must:
 - 25 (a) recite the purpose or purposes for which it is proposed to issue the bonds;
 - 26 (b) fix the amount of bonds to be issued for each purpose;
 - 27 (c) determine the number of years through which the bonds are to be paid, not exceeding the limits
28 fixed in 7-7-4205; and
 - 29 (d) unless the bonds are revenue bonds not pledging the general credit of the municipality, make
30 provisions that are necessary for submitting the question to the registered electors of the city or town at

1 the next general city or town election, at an election that is conducted by mail ballot, as provided in Title
2 13, chapter 19, or at a special election that is held in conjunction with a regular or primary election and the
3 the governing body may call for the purpose.

4 (3) Whenever the bond issuance is proposed by petition, the governing body shall, before
5 submitting the measure to the electors, pass a resolution containing the information required in this section
6 and setting forth the essential facts in regard to the filing and presentation of the petition."

7
8 **Section 6.** Section 7-7-4227, MCA, is amended to read:

9 **"7-7-4227. Notice of election.** (1) Whether the election is held at the general city or town election
10 at an election that is conducted by mail ballot, as provided in Title 13, chapter 19, or at a special election
11 that is held in conjunction with a regular or primary election, separate notice of the election must be given

12 (2) (a) The notice must state:

13 (i) the date when the election will be held;

14 (ii) the amount of bonds proposed to be issued;

15 (iii) the purpose of the bonds;

16 (iv) the term of years through which the bonds will be paid; and

17 (v) other information regarding the election and the proposed bonds that the board may consider
18 proper.

19 (b) If the bonds that are proposed to be issued are for two or more purposes, each purpose and
20 the amount for each purpose must be separately stated.

21 (3) The notice must be published as provided in 13-1-108 and may be posted in each voting
22 precinct in the city or town at least 10 days prior to the date for holding the election."
23

24 **Section 7.** Section 7-7-4235, MCA, is amended to read:

25 **"7-7-4235. Percentage of electors required to authorize the issuing of bonds.** Whenever the
26 question of issuing bonds for any purpose is submitted to the registered electors of a city or town at either
27 a general election, at an election that is conducted by mail ballot, as provided in Title 13, chapter 19,
28 at a special election that is held in conjunction with a regular or primary election, the determination of the
29 approval or rejection of the bond proposition is made in the following manner:

30 (1) determine the total number of electors who were qualified to vote in the bond election;

(2) determine the total number of qualified electors who voted in the bond election from the tally sheet or sheets for the election;

(3) calculate the percentage of qualified electors voting at the bond election by dividing the number determined in subsection (2) by the number determined in subsection (1); and

(4) when the calculated percentage in subsection (3) is 40% or more, the bond proposition is considered approved and adopted if a majority of the votes cast were in favor of the proposition, otherwise it is considered rejected; or

(5) when the calculated percentage in subsection (3) is more than 30% but less than 40%, the bond proposition is considered approved and adopted if 60% or more of the votes cast were in favor of the proposition, otherwise it is considered rejected; or

(6) when the calculated percentage in subsection (3) is 30% or less, the bond proposition is considered rejected."

Section 8. Section 7-7-4426, MCA, is amended to read:

"7-7-4426. Authorization for undertaking and issuance of bonds. (1) The acquisition, purchase, construction, reconstruction, improvement, betterment, or extension of any undertaking may be authorized under this part.

(2) Bonds may be authorized to be issued under this part by resolution or resolutions of the governing body of the municipality:

(a) without an election; or

(b) when authorized by a majority of the qualified electors voting upon the question at a special election that is conducted by mail ballot, as provided in Title 13, chapter 19, or that is held in conjunction with a regular or primary election, if the governing body in its sole discretion chooses to submit the question to the electorate."

Section 9. Section 7-7-4427, MCA, is amended to read:

"7-7-4427. Special election on question of issuing bonds. (1) When the governing body has chosen to submit the question of issuing bonds to the electorate, the special election must be conducted by mail ballot, as provided in Title 13, chapter 19, or must be held in conjunction with a regular or primary election and must be noticed and conducted as provided for municipal general obligation bonds in chapter

1 7, part 42.

2 (2) The special election must be held not later than the next municipal election that is held after
3 the council or governing body of the municipality has by resolution or resolutions approved the acquisition
4 purchase, construction, reconstruction, improvement, betterment, or extension of any undertaking
5 provided in this part has and ordered the special election."

6
7 **Section 10.** Section 7-13-2208, MCA, is amended to read:

8 **"7-13-2208. Decision on petition -- election required.** (1) On the final hearing, the board of county
9 commissioners shall make any changes in the proposed boundaries within the county that are considered
10 advisable and shall define and establish the boundaries. The board of county commissioners may not modify
11 the boundaries in a manner that would exclude from the proposed district any territory that would be
12 benefited by the formation of the district. Land that will not, in the judgment of the board of county
13 commissioners, be benefited by the district may not be included within the proposed district.

14 (2) Upon the final determination of the boundaries of the district, the board of county
15 commissioners of each county in which the district lies shall give notice of an election to be held in the
16 proposed district for the purpose of determining whether or not the district is to be incorporated. The
17 election must be conducted by mail ballot, as provided in Title 13, chapter 19, or must be held in
18 conjunction with a regular or primary election."

19
20 **Section 11.** Section 7-13-2231, MCA, is amended to read:

21 **"7-13-2231. District to be governed by board of directors.** (1) At an election to be held within
22 district under the provisions of ~~this part and part 23 and this part~~ and the laws governing general elections
23 not inconsistent with this part and part 23 and this part, the district shall elect a board of directors. The
24 election must be conducted by mail ballot, as provided in Title 13, chapter 19, or must be held in
25 conjunction with the next regular or primary election.

26 (2) The board of directors is the governing body of the district."
27

28 **Section 12.** Section 7-13-2323, MCA, is amended to read:

29 **"7-13-2323. Election on question of incurring bonded indebtedness.** (1) The board of directors
30 shall fix a date upon which an election is held for the purpose of authorizing the bonded indebtedness to

be incurred. The Except as provided in subsection (2), the election must be conducted by mail ballot, as provided in Title 13, chapter 19, or must be held in conjunction with a regular or primary election.

(2) The board may order up to two special elections each year if:

(a) there are no bids within the amount of approved bonds;

(b) there is an emergency;

(c) a directive for a project is received from a government agency; or

(d) it is necessary to take advantage of the construction season."

Section 13. Section 7-13-2341, MCA, is amended to read:

"7-13-2341. Addition of land to district. (1) Except as provided in subsection (5), any portion of any county, or any municipality, or both, may be added to any district organized under the provisions of ~~this part and part 22~~ and this part at any time upon petition presented in the manner provided in ~~this part and part 22~~ and this part for the organization of the district.

(2) The petition may be granted by ordinance of the board of directors of the district. The ordinance must be submitted for adoption or rejection to the vote of the electors in the district and in the proposed addition at a general election, at a special election that is conducted by mail ballot, as provided in Title 13, chapter 19, or at a special election that is held in conjunction with a regular or primary election.

(3) If the ordinance is approved, the president and secretary of the board of directors shall certify that fact to the secretary of state and to the county clerk and recorder of the county in which the district is located. Upon the receipt of the certification, the secretary of state shall within 10 days issue a certificate that states the passage of the ordinance and the addition of the territory to the district. A copy of the certificate must be transmitted to and filed with the county clerk and recorder of the county in which the district is situated.

(4) After the filing of the certificate, the territory is added to and is a part of the district with all the rights, privileges, and powers set forth in this part and necessarily incident to this part.

(5) If the board of directors determines that a district has a water facility or a sewer facility with a capacity greater than required to meet the needs of the current district, it may by ordinance, upon petition of contiguous property owners and with the written consent of all property owners to whom the service is to be extended, expand the district to include land, to the extent of excess capacity, without complying with subsections (1) and (2). However, if the board determines that an election should be held or if 40%

1 or more of the members of the district petition for an election, compliance with subsections (1) and (2)
2 required."

3
4 **Section 14.** Section 85-9-206, MCA, is amended to read:

5 **"85-9-206. Court hearing on petition -- election -- limits on court jurisdiction.** (1) Upon receipt
6 a petition for organizing a district, the court shall give notice and hold a hearing on the petition. If the court
7 finds that the petition should be granted, it shall:

8 (a) make and file findings of fact specifying those lands that will be directly or indirectly benefited
9 by the proposed district and exclude those lands that will not be benefited;

10 (b) make an order fixing the time and place of an organizing election;

11 (c) order the election administrator to conduct the election in accordance with the provisions of
12 Title 13;

13 (d) order and decree the district organized if the requisite number of eligible electors vote in favor
14 of organization.

15 (2) In order for the district to be organized, 51% or more of the eligible electors must vote in the
16 election, and a majority of those voting must vote in favor of organization. The election must be conducted
17 by mail ballot, as provided in Title 13, chapter 19, or must be held in conjunction with a regular or primary
18 election.

19 (3) This chapter does not confer upon the court jurisdiction to hear, adjudicate, and settle questions
20 concerning the priority of appropriation of water between districts and other persons. Jurisdiction to hear
21 and determine priority of appropriation and questions of right growing out of or in any way connected with
22 a priority of appropriation is expressly excluded from this chapter and must be determined as otherwise
23 provided by the laws of Montana."

24
25 **Section 15.** Section 85-9-623, MCA, is amended to read:

26 **"85-9-623. Issuance of bonds -- resolution and election.** When the directors find it necessary to
27 issue bonds, the directors shall:

28 (1) pass a resolution that includes:

29 (a) the purpose or purposes for which the bonds will be issued;

30 (b) the maximum amount and term of the bonds;

(c) the maximum interest rate that the bonds will bear;

(d) whether the bonds will be repaid from revenue, assessments, or both;

(2) give notice, as provided in 85-9-103(9), that must include the resolution adopted by the directors and the location of polling places unless the election is conducted by mail ballot, as provided in Title 13, chapter 19; and

(3) hold an election as provided by 85-9-422."

NEW SECTION. Section 16. **Effective date.** [This act] is effective on passage and approval.

-END-

MINUTES

MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By CHAIRMAN TOM BECK, on January 30, 1997, at
1:00 p.m., in Room 405.

ROLL CALL

Members Present:

Sen. Thomas A. "Tom" Beck, Chairman (R)
Sen. Mike Sprague, Vice Chairman (R)
Sen. Dorothy Eck (D)
Sen. Wm. E. "Bill" Glaser (R)
Sen. Don Hargrove (R)
Sen. John "J.D." Lynch (D)
Sen. Walter L. McNutt (R)
Sen. Fred R. Van Valkenburg (D)

Members Excused: Sen. Sharon Estrada (R)

Members Absent: None

Staff Present: Martha Colhoun, Legislative Services Division
Jodi Jones, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 191, SB 180, SB 179
Posted on: 1/24/97
Executive Action: SB 179 Tabled
SB 191 Do pass
SB 180 Do pass
SB 51 Do pass as amended
SB 164 Do pass as amended
SB 140 Tabled
SB 66 Do pass as amended
SB 139 Tabled

HEARING ON SB 191

Sponsor: SENATOR DON HARGROVE, SD 16, Belgrade

Proponents:

Michael Richards, Big Sky Resort Tax Committee
Jane Jelinski, Gallatin Co. Commissioner
Bill Ogle, Big Sky Water and Sewer District 363

Closing by Sponsor:

SENATOR HARGROVE said this is a simple bill and is a matter of electing the people to make the decision to improve accountability. Density is something they can't get around.

{Tape: 1; Side: A; Approx. Time Count: 1:31 p.m.; Comments: .}

HEARING ON SB 180

Sponsor: SENATOR STEVE DOHERTY, SD 24, Great Falls

Proponents:

Ray Wadsworth, MT Rural Water Systems

Bob Broadway, MT Assoc. of Water and Sewer Systems

Opponents: None

Opening Statement by Sponsor:

SENATOR STEVE DOHERTY, SD 24, Great Falls, presented SB 180. He said they passed a bill last session that consolidated elections in water and sewer districts. He said this created some problems. This bill allows for mail-in ballots for water and sewer districts for both the formation of the district and when the district wants to incur debt. If the bids don't come in on the approved level and if there is an emergency, the language allows for two elections per year other than the primary and the general.

Proponents' Testimony:

Ray Wadsworth, MT Rural Water Systems, spoke in favor of SB 180 (EXHIBIT 5). He said there are 57 districts in Montana and 53 of them are in good standing of the Rural Water Systems. He said the district pays for all elections and the cost is not incurred by the county.

Bob Broadway, MT Assoc. of Water and Sewer Systems, spoke in favor of SB 180. He said there have been other problems with the elimination of the mail ballots. If a community has a project in process with a bond authority voted by the people and all of the bids come in as overruns, timing is critical. A mail ballot can be very useful with only 60 days from the date to opening bid to reward the funding.

Opponents' Testimony: None

Questions From Committee Members and Responses:

SENATOR HARGROVE said one fact that an election can't occur all the time seems to dampen the exercise of power. He asked if SENATOR DOHERTY thought this was true? SENATOR DOHERTY said this

was a good point. The protection here would be the people who vote to incur the debt are the ones who pay for the debt. Because the membership is in control of the district, if the board is not doing their job properly then they can be voted out. If the bids don't come in under the approved bond limit and they have to miss a construction season to set out a new bid specification then it could become costly.

SENATOR HARGROVE asked if mailing would cost considerably more than a regular ballot election? SENATOR DOHERTY said the cost of the election would be borne by the district and not by state.

Closing by Sponsor:

SENATOR DOHERTY said this is a simple bill and there is a need for it.

{Tape: 1; Side: A; Approx. Time Count: 1:43 p.m.; Comments: .}

HEARING ON SB 179

Sponsor: SENATOR STEVE DOHERTY, SD 24, Great Falls

Proponents: None

Opponents: None

Opening Statement by Sponsor:

SENATOR STEVE DOHERTY, SD 24, Great Falls, said this bill should be tabled as SB 180 and SB 179 are almost duplicates. He asked that SB 179 be tabled.

EXECUTIVE ACTION ON SB 179

Motion/Vote:

SENATOR J.D. LYNCH MOVED SB 179 BE TABLED. MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 191

Motion/Vote:

SENATOR BILL GLASER MOVED SB 191 DO PASS. MOTION CARRIED 7-2 with SENATORS ESTRADA AND BECK voting no.

EXECUTIVE ACTION ON SB 180

Motion/Vote:

SENATOR HARGROVE MOVED SB 180 DO PASS. MOTION CARRIED 8-1 with SENATOR GLASER voting no.

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN MATT DENNY**, on March 4, 1997, at 9:00 a.m., in room 420.

ROLL CALL

Members Present:

Rep. Matt Denny, Chairman (R)
Rep. Matt Brainard, Vice Chairman (Majority) (R)
Rep. Antoinette R. Hagener, Vice Chairman (Minority) (D)
Rep. Darrel Adams (R)
Rep. Haley Beaudry (R)
Rep. Tim Dowell (D)
Rep. Harriet Hayne (R)
Rep. George Heavy Runner (D)
Rep. Norm Mills (R)
Rep. Doug Mood (R)
Rep. William Rehbein, Jr. (R)
Rep. Trudi Schmidt (D)
Rep. Dorothy C. Simpson (D)
Rep. Allan Walters (R)
Rep. Bill Whitehead (D)

Members Excused: None.

Members Absent: Rep. Sam Kitzenberg.

Staff Present: Sheri Heffelfinger, Legislative Services Division
Keri Burkhardt, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 75, SB 170, SB 180;
2/24/97.

Executive Action: None.

HEARING ON SB 170

Opening Statement by Sponsor: SEN. GARY AKLESTAD, S.D. 44.
{Tape: 1; Side: a; Approx. Time Count: .8; Comments: None.}

{Tape: 1; Side: a; Approx. Time Count: 6.4; Comments: None.}

Opponents' Testimony:

Lorna Frank-Karn, Montana Farm Bureau Association.

{Tape: 1; Side: b; Approx. Time Count: 6.8; Comments: None.}

Questions From Committee Members and Responses:

{Tape: 1; Side: b; Approx. Time Count: 8.7 through 34.3;

Comments: None.}

Closing by Sponsor: SEN. AKLESTAD closes.

{Tape: 1; Side: b; Approx. Time Count: 34.4; Comments: None.}

HEARING ON SB 180

Opening Statement by Sponsor: SEN. STEVE DOHERTY, S.D. 24.

{Tape: 1; Side: b; Approx. Time Count: 37.9; Comments: None.}

Proponents' Testimony:

Chris Booth, Montana Rural Water.

{Tape: 1; Side: b; Approx. Time Count: 41.4 through (2/a) .7;

Comments: None.}

Informational Testimony:

Anna Miller, Department of Natural Resources.

{Tape: 2; Side: a; Approx. Time Count: 1; Comments: None.}

Questions From Committee Members and Responses:

Robert Throssell, Montana Association of Clerks and Recorders.

{Tape: 2; Side: a; Approx. Time Count: 3; Comments: None.}

Joe Kerwin, Deputy of Elections and Legislative Bureau, Secretary of State.

{Tape: 2; Side: a; Approx. Time Count: 7.6; Comments: None.}

Closing by Sponsor: SEN. DOHERTY closes.

{Tape: 2; Side: a; Approx. Time Count: 10.1 through 11.2;

Comments: None.}

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By CHAIRMAN MATT DENNY, on March 5, 1997, at 9:00 a.m., in room 420.

ROLL CALL

Members Present:

Rep. Matt Denny, Chairman (R)
Rep. Matt Brainard, Vice Chairman (Majority) (R)
Rep. Antoinette R. Hagener, Vice Chairman (Minority) (D)
Rep. Darrel Adams (R)
Rep. Haley Beaudry (R)
Rep. Tim Dowell (D)
Rep. Harriet Hayne (R)
Rep. George Heavy Runner (D)
Rep. Norm Mills (R)
Rep. Doug Mood (R)
Rep. William Rehbein, Jr. (R)
Rep. Trudi Schmidt (D)
Rep. Dorothy C. Simpson (D)
Rep. Allan Walters (R)
Rep. Bill Whitehead (D)

Members Excused: Rep. Sam Kitzenberg.

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Services Division
Keri Burkhardt, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 87, SB 271; (2/24/97).
Executive Action: SB 124, SB 75, SB 180.

HEARING ON SB 87

Opening Statement by Sponsor: SEN. GREG JERGSON, S.D. 46.
{Tape: 1; Side: a; Approx. Time Count: .2; Comments: None.}

Proponents' Testimony: Angela Fultz, Chief Deputy, Secretary of State.

EXHIBIT 1.

{Tape: 1; Side: a; Approx. Time Count: 4.6; Comments: None.}

Motion: REP. HAGENER MOVED TO BE CONCURRED IN SB 124.
{Tape: 1; Side: b; Approx. Time Count: 21.2; Comments: None.}

Motion: REP. HAGENER MOVED TO AMEND (sb012403.ash).
{Tape: 1; Side: b; Approx. Time Count: 22; Comments: None.}

Vote: Motion carried 10-4. Rep. Brainard, Rep. Beaudry, Rep. Mills, and Rep. Rehbein voted no.
{Tape: 1; Side: b; Approx. Time Count: 25.2; Comments: None.}

Motion: REP. HAGENER MOVED TO BE CONCURRED IN AS AMENDED.
{Tape: 1; Side: b; Approx. Time Count: 25.5; Comments: None.}

Motion/Vote: REP. DENNY MOVED TO AMEND (sb012401.ash). Motion carried 16-0.
{Tape: 1; Side: b; Approx. Time Count: 29; Comments: None.}

Motion/Vote: REP. HAGENER MOVED TO BE CONCURRED IN AS AMENDED. Motion carried 16-0.
{Tape: 1; Side: b; Approx. Time Count: 29.3; Comments: None.}

EXECUTIVE ACTION ON SB 75

Motion: REP. BRAINARD MOVED TO DO NOT BE CONCURRED IN SB 75.
{Tape: 1; Side: b; Approx. Time Count: 31.7; Comments: None.}

Motion: REP. MILLS MOVED TO AMEND.
{Tape: 2; Side: a; Approx. Time Count: 5.5; Comments: None.}

Motion: REP. BRAINARD MOVED TO WITHDRAW PREVIOUS MOTION; TO DO NOT BE CONCURRED IN SB 75.
{Tape: 2; Side: a; Approx. Time Count: 7.5; Comments: None.}

Motion: REP. MILLS MOVED DO BE CONCURRED IN SB 75.
{Tape: 2; Side: a; Approx. Time Count: 7.6; Comments: None.}

Motion: REP. MILLS MOVED TO AMEND.
{Tape: 2; Side: a; Approx. Time Count: 7.8; Comments: None.}

Motion: REP. MILLS MOVED TO WITHDRAW PREVIOUS MOTION; TO AMEND SB 75.
{Tape: 2; Side: a; Approx. Time Count: 17.8; Comments: None.}

Motion: REP. HEAVY RUNNER MOVED TO TABLE. Motion carried 10-6. Rep. Beaudry, Rep. Dowell, Rep. Hagener, Rep. Mood, Rep. Simpson, and Rep. Whitehead.
{Tape: 2; Side: a; Approx. Time Count: 17.9; Comments: None.}

EXECUTIVE ACTION ON SB 180

Motion: REP. HAGENER MOVED TO BE CONCURRED IN SB 180.
{Tape: 2; Side: a; Approx. Time Count: 21.8; Comments: None.}

Discussion:

John Tubbs, Department of Natural Resources, answered questions.

{Tape: 2; Side: a; Approx. Time Count: 27.4; Comments: None.}

Vote: REP. MILLS CALLED THE QUESTION. Motion carried 15-1.

{Tape: 2; Side: a; Approx. Time Count: 38.5; Comments: None.}

Discussion on HB 112.

{Tape: 2; Side: a; Approx. Time Count: 39.8; Comments: None.}

David Senn, Montana Teachers Retirement System, provided information and answered some questions.

EXHIBIT 5.

{Tape: 2; Side: a; Approx. Time Count: 40.6 through 3 (2/b);
Comments: None.}
